



No Smoking at Work Policy

Reviewed by: Pay & Staffing Committee

Version: 1

Adopted by FGB on: 4th July 2005

No Smoking at Work Policy
(for non schools based employees)

(1) **Introduction**

- 1.1 The medical establishment in U.K. (and most other countries) now accept that exposure of non-smokers to other people's tobacco smoke causes a small but significant increase in their risk of developing lung cancer.
- 1.2 Many non smokers find that tobacco smoke causes sore eyes, sneezing, blocked nose/sinuses, headaches, coughing, wheezing or hoarseness and complain about the smell of stale tobacco smoke on their clothes.
- 1.3 Further problems "Passive" smoking can also include the worsening of conditions such as asthma and certain allergies as well as severe eye irritation in contact lens wearers.
- 1.4 Under the Health and Safety at Work Act 1974, an employer has a duty for "The provision and maintenance of a working environment for his employees that is, so far as is reasonably practicable, safe, without risk to health, and adequate as regards facilities and arrangements for their welfare at work".
- 1.5 Every year fire brigades attend about 10,000 fires which have occurred as a result of smoking. One in four fire fatalities in the home are attributed to fires caused by smoking materials.
- 1.6 Notwithstanding the above, it must be recognised that some individuals get a great deal of satisfaction from smoking tobacco. Even those who would wish to cut down or give up smoking may find this extremely difficult because of the strong dependency associated with the use of nicotine.
- 1.7 The primary objective of a no smoking policy for Flintshire County Council is to protect the health and comfort of employees who do not wish to be exposed to tobacco smoke at work, thereby meeting the legal and moral obligations of a responsible employer.
- 1.8 Secondary objectives include :
 - Reduction in the risks to safety of people and damage to property from smoking related fires.
 - Promotion of a healthier lifestyle among employees and people in the community.
 - Reduction in maintenance and cleaning costs of County Council property.

(2) **Policy Statement**

- 2.1 Flintshire County Council will take all reasonable steps to ensure that no employee is involuntarily exposed to tobacco smoke while at work and that the risks to people and property from smoking related fires are minimised.
- 2.2 In pursuit of this policy there will be a no smoking rule in all County Council controlled buildings and vehicles. Smoking will not be permitted in the workplace. Employees who wish to smoke will be expected to do so outside.

(3) **Staff who are smokers**

- 3.1 Employees will not be able to smoke during their normal working day. This excludes the employee's personal time, such as lunch breaks.
- 3.2 Employees using leased cars where they are contributing to the costs of the vehicle and are therefore deemed to be the 'owners' of the vehicle are allowed to smoke in the vehicle. However, when using the car on Council business should respect the needs and wishes of any passengers.
- 3.3 The Council recognises that not all smokers will wish to give up smoking and respects that position. However, the Authority understands that those smokers who do not wish to give up may find this difficult and so will endeavour to provide help, support and advice on a formal and informal level through the County's Occupational Health and Safety Unit. Employees wishing to know more about this service should contact the unit on 01352 702770.

(4) **Members of the County Council**

- 4.1 Members of the County Council agree to set a good example to employees and to clients of the Council by adhering to the no smoking rule.

(5) **Clients & Visitors**

- 5.1 The health and safety risks to employees from passive smoking and smoking related fires are the same whether the smoker is another employee of the Authority, a client, a visitor, a resident in a Council owned residential home or indeed a client receiving services from a County Council employee in the clients own home or some other location. The employer has the same obligation to take reasonable steps to protect employees from these risks no matter what the source of the risk. However, the judgement on what is "reasonable" must take into account the rights of the client concerned to smoke in that environment and the degree of health risk to the employee and/or other clients.
- 5.2 The no smoking rule is **not** intended to apply to tenants of the County Council occupying Council properties. Within the limits of their tenancy agreements, they must make their own judgements about smoking within these properties.

- 5.3 In all Council premises where Council employees work, (with the exception of specific situations outlined below where local policies will apply), the no smoking rule will apply to all visitors and clients in the same way as it applies to employees. Clear signs should be displayed in all areas where the public has access to County premises, particularly in reception areas. Visitors should be politely informed of the policy if they enquire and those who enter a building with a lighted cigarette should be asked to extinguish it.
- 5.4 In the case of Council run residential homes or where staff are required to visit clients in their own homes or other locations, the Director concerned shall be responsible for ensuring that an appropriate local policy is agreed and implemented which takes into account the general principles outlined below.
- 5.5 In cases where clients are resident in Council owned residential homes, the local policy should take into account the Council's duty of care to the smoking client, providing a living environment which substitutes for his or her own home without unreasonable restrictions on personal activities. The Council also has a duty of care to the health, safety and comfort of other residents as well as employees working in the home. It is likely that the local policy will make provision for a designated smoking room, appropriately equipped with effective extraction ventilation and fire safety equipment, for the use of residents who wish to smoke. The local policy is also likely to take into account the special problems of fire safety which may relate to elderly inform residents who smoke.
- 5.6 In cases where clients are not resident in council premises but use those premises for regular and extended periods during the day time hours (e.g. day care centres), the principles outlined in 5.5 above should be applied and a local policy is likely to be required in most cases.
- 5.7 Many of the services provided to the community involve employees of the Council working with clients or service users in their own homes or at other locations which may not be Council owned property. It would not be seen as reasonable, desirable or practicable to dictate to clients that they must not smoke in their own homes or elsewhere in the presence of Flintshire employees. The local policy is likely to address issues of choice on behalf of employees, education of clients and courteous requests regarding minimising smoking in these situations. In addition, it should address some assessment of the degree of risk associated with the exposure.

(6) **Promoting the Policy**

- 6.1 Recruitment, advertising and induction literature, including the letter of appointment for new staff will contain a statement of the County's policy on smoking. All staff will be given a copy of the policy.

(7) **Disciplines & Grievance**

7.1 Where an employee persistently ignores this approved policy, such conduct will be pursued under the Council's disciplinary procedures. The Council's grievance procedure is available for employees to pursue individual complaints.

(8) **Monitoring**

8.1 The Director of Corporate Strategy will be responsible for the overseeing and monitoring both the policy and its implementation and will report to Directors' Group any disagreement or conflict.

8.2 The operation of this policy will be reviewed after 12 months.